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By: GJM/SNS/EWT/hri

OSMM&N File No. 246923US2

Serial No. 10/743,129

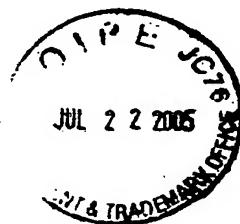
In the matter of the Application of: Katsuhiko HAYASHI

For: MAGNETORESISTIVE EFFECT ELEMENT AND MEMORY DEVICE  
USING THE SAME

Due Date: N/A

The following has been received in the U.S. Patent Office on the date stamped hereon:

- Dep. Acct. Order Form
- Cover Letter
- Petition Under 37 C.F.R. § 1.181(a)(3) RE: Reasons for Allowance

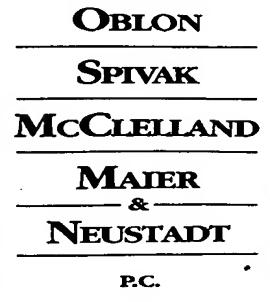


**COPY**



Date Allowed: May 4, 2005  
Docket No.: 246923US2

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/743,129

Applicants: Katsuhiko HAYASHI

Filing Date: December 23, 2003

For: MAGNETORESISTIVE EFFECT ELEMENT AND  
MEMORY DEVICE USING THE SAME

Group Art Unit: 2824

Examiner: Nguyen, Dang T.

SIR:

Attached hereto for filing are the following papers:

**Petition Under 37 C.F.R. § 1.81(a)(3) RE: Reasons for Allowance**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

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Gregory J. Maier  
Registration No. 25,599

Customer Number

**22850**

(703) 413-3000 (phone)  
(703) 413-2220 (fax)

Surinder Sachar  
Registration No. 34,423



DOCKET NO: 246923US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

KATSUHIKO HAYASHI

: EXAMINER: NGUYEN, DANG T.

SERIAL NO: 10/743,129

: DATE ALLOWED: MAY 4, 2005

FILED: DECEMBER 23, 2003

: GROUP ART UNIT: 2824

FOR: MAGNETORESISTIVE EFFECT  
ELEMENT AND MEMORY DEVICE  
USING THE SAME

PETITION UNDER 37 C.F.R. §1.181(a)(3) RE: REASONS FOR ALLOWANCE

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant respectfully petition in accordance with 37 C.F.R. §1.181(a)(3) to compel reconsideration by the Examiner of his/her statement of reasons for allowance (SRA).

37 C.F.R. §1.181(a)(3) allows petition to invoke the supervisory authority of the Commissioner in appropriate circumstances.

In the present case, the Examiner's SRA inappropriately mischaracterizes the invention by placing an unwarranted interpretation of the claims on record. Specifically, the Examiner erroneously states the following on page 3 of the Notice of Allowability: "the current also penetrate perpendicular to the laminate layer." This limitation does not expressly appear in any of independent Claims 1, 2, and 23 as stated by the Examiner. Consequently, this is an appropriate circumstance in which to invoke the supervisory authority of the Commissioner to compel the Examiner to reconsider his/her SRA.

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Application No. 10/743,129  
Reply to Notice of Allowance of: May 4, 2005

Accordingly, it is respectfully submitted that this Petition Under 37 C.F.R. §1.181(a)(3) be granted compelling the Examiner to reconsider his/her SRA and thereby issue a corrected supplemental SRA.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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Gregory J. Maier  
Attorney of Record  
Registration No. 25,599

Surinder Sachar  
Registration No. 34,423

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/03)

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